



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION I

5 POST OFFICE SQUARE, SUITE 100
BOSTON, MASSACHUSETTS 02109-3912

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

MAR 21 2012

Mr. John F. Buckley, Senior Project Manager
Design and Construction Division, Public Buildings Service
New England Region, U.S. General Services Administration
10 Causeway Street, 11th Floor
Boston, Massachusetts 02222

Re: PCB Cleanup and Disposal Approval under 40 CFR §§ 761.61(a) and (c)
and § 761.79(h)
John F. Kennedy Federal Building
Boston, Massachusetts

Dear Mr. Buckley:

This is in response to the U.S. General Services Administration (GSA) Notification¹ for approval of a proposed plan to address PCB contamination at the John F. Kennedy Federal Building located at 15 New Sudbury Street in Boston, Massachusetts (the Site). The Site contains PCB-contaminated materials that exceed the allowable PCB levels under 40 CFR § 761.20(a), § 761.61, and § 761.62. Specifically, PCBs have been found in the low-rise and high-rise curtain wall caulk and glazing and in/on adjacent building substrates (e.g., concrete and metal frames).

GSA has requested an approval under 40 CFR §§ 761.61(a) and (c) that includes the following activities:

- Remove and dispose of all *PCB bulk product waste* (e.g., caulk and glazing) in a TSCA-approved or RCRA hazardous waste landfill;
- Decontaminate *non-porous surfaces* (e.g., glass and window frames) to less than or equal to (\leq) 10 $\mu\text{g}/100\text{ cm}^2$;
- Decontaminate *porous surfaces* (i.e., concrete) to ≤ 25 parts per million (ppm) for *low occupancy areas* and ≤ 1 ppm for *high occupancy areas*; and,
- Conduct verification sampling to confirm that the PCB cleanup standards have been met.

¹ The notification was prepared by ATC Associates, Inc on behalf of the GSA to satisfy the notification requirement under 40 CFR §§ 761.61(a)(3) and (c). Information was submitted dated November 16, 2011 (Notification of TSCA Self-Implementing Clean-up of PCBs (SIDP)); January 6, 2012 (curtain wall detail enlargements); February 23, 2012 (Response to EPA Comments); March 6, 2012 (e-mail regarding void spaces); and, March 15, 2012 (clarification on low-rise *high occupancy areas* and sampling of exterior concrete surfaces). These submittals shall be referred to as the "Notification".

With the exception of the proposed verification sampling frequency for decontaminated *porous surfaces* and *non-porous surfaces*, the Notification meets the requirements and standards established under §§ 761.61(a), 761.62, and 761.79 for cleanup and disposal of *PCB remediation waste* and *PCB bulk product waste*.

With respect to the verification sampling frequency, based on the results of the PCB sampling to-date and the proposed cleanup and disposal approach, EPA has determined that the sampling plan and verification sampling frequency are adequate to confirm that PCB cleanup standards have been met. Accordingly, EPA finds that the activities proposed by GSA will create no unreasonable risk when conducted in accordance with the Notification and this Approval. EPA may approve the sampling under § 761.61(c).

In its Notification, GSA is proposing to collect four (4) indoor air samples following abatement of the PCBs to confirm that the abatement activities did not impact indoor air. While EPA concurs that this post-abatement indoor air sampling is warranted, EPA also strongly recommends that a more comprehensive indoor air sampling program be implemented. EPA's bases its recommendation on the age of the JFK building, the past and current renovation and abatement activities, and the limited air sampling that has been conducted.

GSA may proceed with its project in accordance with 40 CFR §§ 761.61(a) and (c); § 761.62(a); § 761.79(h); its Notification; and, this Approval, subject to the conditions of Attachment 1.

Questions and correspondence regarding this Approval should be directed to:

Kimberly N. Tisa, PCB Coordinator (OSRR07-2)
United States Environmental Protection Agency
5 Post Office Square, Suite 100
Boston, Massachusetts 02109-3912
Telephone: (617) 918-1527 Facsimile: (617) 918-0527

EPA shall not consider this project complete until it has received all submittals required under this Approval. Please be aware that upon EPA receipt and review of the submittals, EPA may request any additional information necessary to establish that the work has been completed in accordance with 40 CFR Part 761, the Notification, and this Approval.

Sincerely,



James T. Owens III, Director
Office of Site Remediation & Restoration

cc Daniel White, PG, ATC Associates, Inc.
MassDEP, Boston

Attachment 1

ATTACHMENT 1:

**PCB CLEANUP AND DISPOSAL APPROVAL CONDITIONS
JOHN F. KENNEDY FEDERAL BUILDING (the Site)
15 NEW SUDBURY STREET
BOSTON, MASSACHUSETTS**

GENERAL CONDITIONS

1. This Approval is granted under the authority of Section 6(e) of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2605(e), and the PCB regulations at 40 CFR Part 761, and applies solely to the *PCB bulk product waste* and the *PCB remediation waste* located at the Site and identified in the Notification.
2. U.S. General Services Administration (GSA) shall conduct on-site activities in accordance with the conditions of this Approval and with the Notification.
3. In the event that the plan described in the Notification differs from the conditions specified in this Approval, the conditions of this Approval shall govern.
4. The terms and abbreviations used herein shall have the meanings as defined in 40 CFR § 761.3 unless otherwise defined within this Approval.
5. GSA must comply with all applicable federal, state and local regulations in the storage, handling, and disposal of all PCB wastes, including PCBs, PCB Items and decontamination wastes generated under this Approval. In the event of a new spill during response actions, GSA shall contact EPA within 24 hours for direction on PCB cleanup and sampling requirements.
6. GSA is responsible for the actions of all officers, employees, agents, contractors, subcontractors, and others who are involved in activities conducted under this Approval. If at any time GSA has or receives information indicating that GSA or any other person has failed, or may have failed, to comply with any provision of this Approval, it must report the information to EPA in writing within 24 hours of having or receiving the information.
7. This Approval does not constitute a determination by EPA that the transporters or disposal facilities selected by GSA are authorized to conduct the activities set forth in the Notification. GSA is responsible for ensuring that its selected transporters and disposal facilities are authorized to conduct these activities in accordance with all applicable federal, state and local statutes and regulations.

8. This Approval does not: 1) waive or compromise EPA's enforcement and regulatory authority; 2) release GSA from compliance with any applicable requirements of federal, state or local law; or 3) release GSA from liability for, or otherwise resolve, any violations of federal, state or local law.

NOTIFICATION AND CERTIFICATION CONDITIONS

9. This Approval may be revoked if the EPA does not receive written notification from GSA of its acceptance of the conditions of this Approval within 10 business days of receipt.
10. GSA shall notify EPA in writing of the scheduled date of commencement of on-site activities at least one (1) business day prior to conducting any work under this Approval.
11. GSA shall submit the following information for EPA review and/or approval:
 - a. a certification signed by its selected abatement/demolition contractor, stating that the contractor(s) has read and understands the Notification, and agrees to abide by the conditions specified in this Approval;
 - b. a contractor work plan, prepared and submitted by the selected abatement contractor(s) describing the containment and air monitoring that will be employed during abatement activities. This work plan should also include information on how and where wastes will be stored and disposed of, and on how field equipment will be decontaminated; and,
 - c. a certification signed by the selected analytical laboratory, stating that the laboratory has read and understands the extraction and analytical method requirements and quality assurance requirements specified in the Notification and in this Approval.

DECONTAMINATION AND DISPOSAL CONDITIONS

12. To the maximum extent practical, engineering controls, such as barriers, and removal techniques, such as the use of HEPA ventilated tools, shall be utilized during removal processes. In addition, to the maximum extent possible, disposable equipment and materials, including PPE, will be used to reduce the amount of decontamination necessary.

13. PCB-contaminated materials shall be decontaminated and confirmatory sampling and analysis shall be conducted as described below:
- a. All visible residues of PCB-contaminated caulk and glazing (i.e. *PCB bulk product waste*) shall be removed as described in the Notification.
 - b. The PCB decontamination standard for *porous surfaces* (i.e., concrete) in *low occupancy areas* shall be less than or equal to (\leq) 25 parts per million (ppm) PCBs. In *high occupancy areas*, the PCB decontamination standard shall be ≤ 1 ppm.
 - i) All post-decontamination verification sampling of *porous surfaces* shall be performed on a bulk basis (e.g. mg/Kg). Samples shall be conducted in accordance with the EPA Region 1 *Standard Operating Procedure for Sampling Porous Surfaces for Polychlorinated Biphenyls (PCBs) Revision 4, May 5, 2011*, at a maximum sampling depth interval of 0.5 inches.
 - ii) Chemical extraction for PCBs shall be conducted using Methods 3500B/3540C of SW-846; and, chemical analysis for PCBs shall be conducted using Method 8082 of SW-846, unless another extraction/analytical method(s) is validated according to Subpart Q.
 - iii) The minimum verification sampling frequency for decontaminated interior concrete surfaces shall be one (1) sample for each of the first ten (10) floors.
 - (a) If all PCB sampling results from the first 10 floors are ≤ 25 ppm or ≤ 1 ppm, as applicable, GSA may use the following alternative verification sampling scheme for the remainder of the project. The alternative scheme requires, at a minimum, the collection of at least 1 verification sample every other floor.
 - (b) In the event **any** verification sample that is collected using the alternative sampling scheme exceeds the PCB cleanup standard, GSA shall contact EPA for a determination on the appropriate verification sampling frequency for the remaining *porous surfaces*. Alternatively, GSA shall continue to use the initial verification sampling frequency for the remainder of this project.
 - iv) The verification sampling frequency for decontaminated exterior concrete surfaces shall be 1 sample every two (2) floors for each vertical joint.

- c. The decontamination requirements for building *non-porous surfaces* (e.g., metal curtain wall frames and glass panes) shall be as follows:
- i) The decontamination wipe standard for *non-porous surfaces* shall be less than or equal to (\leq) $10 \mu\text{g}/100 \text{ cm}^2$.
 - ii) Chemical extraction for PCBs shall be conducted using Methods 3500B/3540C of SW-846; and, chemical analysis for PCBs shall be conducted using Method 8082 of SW-846, unless another extraction/analytical method(s) is validated according to Subpart Q.
 - iii) All post-decontamination sampling of *non-porous surfaces* shall be performed on a surface area basis by the standard wipe test as specified in 40 CFR § 761.123 (i.e. $\mu\text{g}/100 \text{ cm}^2$). The minimum confirmatory sampling frequency shall be 1 sample of each *non-porous surface* for the first five (5) rows.
 - iv) If all PCB sampling results from the first 5 rows are $\leq 10 \mu\text{g}/100 \text{ cm}^2$, GSA may use the following alternative verification sampling scheme for the remainder of the project. The alternative scheme requires, at a minimum, the collection of at least 1 verification sample of each *non-porous surface* every fifth row.
 - v) In the event **any** verification sample that is collected using the alternative sampling scheme exceeds the PCB cleanup standard, GSA shall contact EPA for a determination on the appropriate verification sampling frequency for the remaining *non-porous surfaces*. Alternatively, GSA shall continue to use the initial confirmatory sampling frequency for the remainder of this project.
- d. Initial post-abatement indoor air sampling for PCBs shall be conducted to determine the impact of the abatement activities. Indoor air sampling shall be conducted in accordance with EPA Method TO-4A or TO-10A. Sufficient sample volumes shall be collected to provide a minimum laboratory reporting limit of less than ($<$) $0.05 \mu\text{g}/\text{m}^3$. At a minimum, PCB analysis shall include PCB homologues and/or PCB congeners.
- i) A minimum of four (4) samples shall be collected in close proximity to the curtain wall abatement areas and to the day care center.
 - ii) Within 7 days of receipt of this Approval, GSA shall submit a plan identifying the number and locations of the post-abatement air samples.

14. PCB waste (at any concentration) generated as a result of the activities described in the Notification, excluding any decontaminated materials, shall be marked in accordance with 40 CFR §§ 761.40 and 761.45; stored in a manner consistent with 40 CFR § 761.65; and, disposed of in accordance with 40 CFR § 761.61 or § 761.62, unless otherwise specified below.
 - a. Decontamination wastes and residues shall be disposed of in accordance with 40 CFR § 761.79(g)(6).
 - b. Moveable equipment, tools, and sampling equipment shall be decontaminated in accordance with either 40 CFR § 761.79(b)(3)(i)(A), § 761.79(b)(3)(ii)(A), or § 761.79(c)(2).
 - c. PCB-contaminated water generated during decontamination shall be decontaminated in accordance with 40 CFR § 761.79(b)(1) or disposed of under § 761.60.

INSPECTION, MODIFICATION AND REVOCATION CONDITIONS

15. GSA shall allow any authorized representative of the Administrator of the EPA to inspect the Site and to inspect records and take samples as may be necessary to determine compliance with the PCB regulations and this Approval. Any refusal by GSA to allow such an inspection (as authorized by Section 11 of TSCA) shall be grounds for revocation of this Approval.
16. Any proposed modification(s) in the plan, specifications, or information in the Notification must be submitted to EPA no less than 14 calendar days prior to the proposed implementation of the change. Such proposed modifications will be subject to the procedures of 40 CFR § 761.61(a)(3)(ii).
17. Any departure from the conditions of this Approval without prior, written authorization from the EPA may result in the revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.
18. Any misrepresentation or omission of any material fact in the Notification or in any records or reports may result in the EPA's revocation, suspension and/or modification of the Approval, in addition to any other legal or equitable relief or remedy the EPA may choose to pursue.

RECORDKEEPING AND REPORTING CONDITIONS

19. GSA shall prepare and maintain all records and documents required by 40 CFR Part 761, including but not limited to the records required under Subparts J and K. A written record of the cleanup and disposal and the analytical sampling shall be established and maintained by GSA in one centralized location, until such time as EPA approves in writing a request for an alternative disposition of such records. All records shall be made available for inspection to authorized representatives of EPA.
20. Within 120 days of completion of the abatement activities described in the Notification and authorized by this Approval, and as required under § 761.61(a)(8)(i)(B), GSA shall submit to EPA a certification, signed by a GSA approving official, that it has recorded the notation on the deed as required under § 761.61(a)(8)(i)(A). A copy of the notation on the deed must also be submitted.
 - a. Given the ongoing abatement activities at the John F. Kennedy Federal Building, GSA may request an extension for recording of the deed notation per Condition 16. A justification for the extension must be provided.
21. GSA shall submit a final report to the EPA within 60 days of completion of the activities authorized under this Approval. At a minimum, this final report shall include: a short narrative of the project activities; characterization and verification sampling analytical results; copies of the accompanying analytical chains of custody; field and laboratory quality control/quality assurance checks; an estimate of the quantity of PCB waste disposed of; copies of manifests and bills of lading; copies of certificates of disposal or similar certifications issued by the disposer; and a copy of the deed restriction.
22. Required submittals shall be mailed to:

Kimberly N. Tisa, PCB Coordinator
United States Environmental Protection Agency
5 Post Office Square, Suite 100 – (OSRR07-2)
Boston, Massachusetts 02109-3912
Telephone: (617) 918-1527
Facsimile: (617) 918-0527
23. No record, report or communication required under this Approval shall qualify as a self-audit or voluntary disclosure under EPA audit, self-disclosure or penalty policies.

END OF ATTACHMENT 1